

AMENDED IN ASSEMBLY APRIL 10, 2013

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 271

Introduced by Assembly Member Mitchell
*(Coauthors: Assembly Members Ammiano, Blumenfield, Buchanan,
Garcia, and Lowenthal)*

February 7, 2013

An act to add Section 11270.5 to, and to repeal Section 11450.04 of, the Welfare and Institutions Code, relating to CalWORKs.

LEGISLATIVE COUNSEL'S DIGEST

AB 271, as amended, Mitchell. CalWORKs: eligibility.

Existing federal law provides for allocation of federal funds through the federal Temporary Assistance for Needy Families (TANF) block grant program to eligible states. Existing law provides for the California Work Opportunity and Responsibility to Kids (CalWORKs) program for the allocation of federal funds received through the TANF program, under which each county provides cash assistance and other benefits to qualified low-income families. Under existing law, for purposes of determining a family's maximum aid payment under the CalWORKs program, the number of needy persons in the same family is not increased for any child born into a family that has received aid under the CalWORKs program continuously for the 10 months prior to the birth of the child, with specified exceptions.

This bill would repeal that exclusion for purposes of determining the family's maximum aid payment and would expressly prohibit the denial of aid or denial of an increase in the maximum aid payment ~~as a result of the birth of a child~~. *if a child on who's behalf aid, or an increase in aid, is being requested was born into an applicant's or recipient's family*

while the applicant's or recipient's family was receiving aid under the CalWORKs program. The bill would also prohibit the department from conditioning an applicant or recipient's eligibility for aid on the applicant or recipient's disclosure of specified information regarding rape, incest, or contraception, as specified.

Existing law continuously appropriates moneys from the General Fund to defray a portion of county aid grant costs under the CalWORKs program.

This bill would declare that no appropriation would be made for purposes of the bill.

To the extent that this bill affects eligibility under the CalWORKs program, the bill would create a state-mandated *local* program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

- 1 SECTION 1. The Legislature finds and declares that this act
- 2 is necessary to protect the reproductive and privacy rights of all
- 3 applicants for, and recipients of, aid under the California Work
- 4 Opportunity and Responsibility to Kids Act (CalWORKs).
- 5 SEC. 2. Section 11270.5 is added to the Welfare and
- 6 Institutions Code, following Section 11270, to read:
- 7 11270.5. (a) An applicant for or recipient of aid under this
- 8 chapter shall not be required as a condition of eligibility to do any
- 9 of the following:
- 10 (1) Divulge any member of the assistance unit's status as a
- 11 victim of rape or incest.
- 12 (2) Share confidential medical records related to any member
- 13 of the assistance unit's rape or incest.
- 14 (3) Use contraception, choose a particular method of
- 15 contraception, or divulge the method of contraception any member
- 16 of the assistance unit uses.

1 (b) An applicant for or recipient of aid under this chapter shall
2 not be denied aid, nor denied an increase in the maximum aid
3 payment, ~~as a result of the birth of a child.~~ *for a child born into*
4 *the applicant's or recipient's family during a period in which the*
5 *applicant's or recipient's family was receiving aid under this*
6 *chapter.*

7 SEC. 3. Section 11450.04 of the Welfare and Institutions Code
8 is repealed.

9 SEC. 4. No appropriation pursuant to Section 15200 of the
10 Welfare and Institutions Code shall be made for the purposes of
11 this act.

12 SEC. 5. If the Commission on State Mandates determines that
13 this act contains costs mandated by the state, reimbursement to
14 local agencies and school districts for those costs shall be made
15 pursuant to Part 7 (commencing with Section 17500) of Division
16 4 of Title 2 of the Government Code.